

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**VICTOR SAINZ-GONZALES,**

**Defendant.**

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**8:05CR108**

**ORDER**

This matter is before the court on the motion to continue trial (Filing No. 12) and a motion for an enlargement of time to file a motion to suppress (Filing No. 13) by defendant Victor Sainz-Gonzalez (Sainz-Gonzalez). The motion to file a motion to suppress out of time will be granted. Sainz-Gonzalez seeks a continuance of the trial to a date after the disposition of a motion to suppress. Sainz-Gonzalez has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Sainz-Gonzalez consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motions will be granted.

**IT IS ORDERED:**

1. Sainz-Gonzalez's motion for an enlargement of time to file a motion to suppress (Filing No. 13) is granted. Sainz-Gonzalez's motion to suppress (Filing No. 14) is scheduled for a hearing before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m., June 23, 2005**. Sainz-Gonzalez must be present for the hearing.

2. Sainz-Gonzalez's motion to continue trial (Filing No. 12) is granted.

3. Trial of this matter will be re-scheduled before Senior Judge Lyle E. Strom and a jury following the disposition of the Sainz-Gonzalez's pending motion to suppress. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between June 16, 2005 and rescheduling of the trial following the disposition of the pending motion to suppress shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of June, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge